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MW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Parce *et al.*

Appl. No. 10/038,245

Filed: October 24, 2001

For: **High Throughput Screening
Assay Systems in Microscale
Fluidic Devices**

Confirmation No.: 1258

Art Unit: 1641

Examiner: Chin, Christopher

Atty. Docket: 2052.002000C/LEA/EDH

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First Supplemental Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application

does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☒ 1. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - ☐ c. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
 - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign

patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

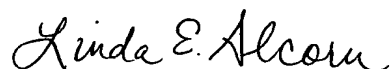
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☐ 5. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐ 6. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

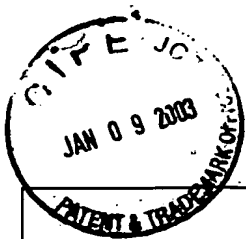
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Attorney for Applicants
Registration No. 39,588

Date: January 9, 2003

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FORM PTO-1449

INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.
2052.002000CAPPLICATION NO.
10/038,245APPLICANT
PARCE *et al.*FILING DATE
October 24, 2001GROUP
1641

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA1	3,014,848	12/1961	Ferrari, Jr.			
	AB1	3,018,224	01/1962	Ferrari, Jr.			
	AC1	3,065,148	11/1962	Ferrari, Jr.			
	AD1	3,615,241	10/1971	Low			
	AE1	3,699,004	10/1972	Skeggs			
	AF1	3,700,562	10/1972	Morgenstern <i>et al.</i>			
	AG1	3,701,716	10/1972	Deuringer <i>et al.</i>			
	AH1	4,618,586	10/1986	Walker			
	AI1	4,629,686	12/1986	Gruenberg			
	AJ1	4,783,413	11/1988	Suter			
	AK1	5,032,381	07/1991	Bronstein <i>et al.</i>			

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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL1						Yes No
	AM1						Yes No
	AN1						Yes No
	AO1						Yes No
	AP1						Yes No

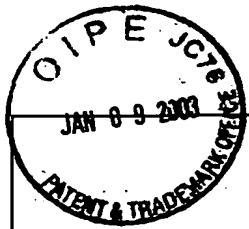
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	1	Omann, Geneva M. <i>et al.</i> , "A Convenient On-Line Device for Reagent Addition, Sample Mixing, and Temperature Control of Cell Suspensions in Flow Cytometry," <i>Cytometry</i> (01/1985)6(1):69-73
	AS	1	Lindberg, Walter <i>et al.</i> , "Flow Injection Cytometry: A New Approach for Sample and Solution Handling in Flow Cytometry," <i>Cytometry</i> (02/1993) 14(2):230-236
	AT	1	Nolan, John P. <i>et al.</i> , "A Rapid Mix Flow Cytometer With Subsecond Kinetic Resolution," <i>Cytometry</i> (11/1995) 21(3):223-229

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA2	5,104,804	04/1992	Humphries <i>et al.</i>			
	AB2	5,312,731	05/1994	Engstrom			
	AC2	5,389,524	02/1995	Larsen <i>et al.</i>			
	AD2	5,441,873	08/1995	Knight <i>et al.</i>			
	AE2	5,451,525	09/1995	Shenkin <i>et al.</i>			
	AF2	5,488,469	01/1996	Yamamoto <i>et al.</i>			
	AG2	5,547,849	08/1996	Baer <i>et al.</i>			
	AH2	5,607,565	03/1997	Azarnia <i>et al.</i>			
	AI2						
	AJ2						
	AK2						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL2						Yes No
	AM2						Yes No
	AN2						Yes No
	AO2						Yes No
	AP2						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	2	Baxter, Gregory T. <i>et al.</i> , "Using Microphysiometry To Study The Pharmacology Of Exogenously Expressed m ₁ and m ₃ Muscarinic Receptors," <i>Life Sciences</i> (06/1994) 55(8):573-583
	AS	2	Owicki, J.C. <i>et al.</i> , "Continuous Monitoring of Receptor-Mediated Changes In The Metabolic Rates Of Living Cells," <i>Proc. Natl. Acad. Sci. USA</i> (05/1990) 87(10):4007-4011
	AT	2	McConnell, H. M. <i>et al.</i> , "The Cytosensor Microphysiometer: Biological Applications of Silicon Technology," <i>Science</i> (09/1992) 257:1906-1912

EXAMINER

DATE CONSIDERED

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